

Of Counsel:  
ALSTON HUNT FLOYD & ING  
Attorneys At Law  
A Law Corporation

PAUL ALSTON 1126-0  
BRUCE H. WAKUZAWA 4132-0  
GLENN T. MELCHINGER 7135-0  
JASON H. KIM 7128-0

American Savings Bank Tower  
1001 Bishop Street, 18th Floor  
Honolulu, Hawai'i 96813  
Telephone: (808) 524-1800  
Facsimile: (808) 524-4591  
Email: gtm@ahfi.com

Attorneys for Plaintiffs  
SPORTS SHINKO CO., LTD.,  
KEIJIRO KIMURA and  
SPORTS SHINKO (USA) CO., LTD.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD.,	)	CIVIL NO. CV 04-00124
	)	ACK/BMK
Plaintiff,	)	
	)	<b>AMENDED STIPULATION RE</b>
vs.	)	<b>CONSOLIDATION FOR</b>
	)	<b>DISCOVERY AND TRIAL AND</b>
QK HOTEL, LLC, a Hawai'i	)	<b>ORDER</b>
limited liability company, et al,	)	
	)	
Defendants.	)	
	)	
	)	
SPORTS SHINKO CO., LTD.,	)	CIVIL NO. CV 04-00127
	)	ACK/BMK

Plaintiff,	)
	)
vs.	)
	)
OR HOTEL, LLC, a Hawai'i	)
limited liability company, et al.	)
	)
Defendants.	)
_____	)

**AMENDED STIPULATION RE CONSOLIDATION  
FOR DISCOVERY AND TRIAL AND ORDER**

It is hereby stipulated by and between Plaintiff Sports Shinko Co., Ltd., Third-Party Defendants Sports Shinko (Hawaii) Co., Ltd.; Sports Shinko (Mililani) Co., Inc.; Sports Shinko (Kauau) Co., Inc.; Sports Shinko (Pukalani) Co., Inc.; Sports Shinko Resort Hotel Corporation; Sports Shinko (Waikiki) Corp.; and Ocean Resort Hotel Corporation (collectively "Third-Party Defendants") and Defendants QK Hotel, LLC; OR Hotel, LLC; KG Holdings, LLC; and Franklin K. Mukai (collectively, "Defendants") (Plaintiff, Third-Party Defendants and Defendants are collectively referred to as the "Parties"), through their respective counsel, pursuant to Federal Rules of Civil Procedure Rule 42(a), that:

1. Civil Nos. CV 04-00124 ACK/BMK and CV 04-00127 ACK/BMK (collectively the "SS Japan Cases"), shall be

consolidated for the purposes of discovery and trial, subject to the following conditions:

A. The consolidation will have no effect on the Parties' respective positions concerning the merits of their claims and defenses. Thus, (i) no Party may use the fact of consolidation of the SS Japan Cases to support any claim or defense, and (ii) all Parties retain all their arguments and claims, all of which are expressly reserved without waiver, just as if the SS Japan Cases had not been consolidated.

B. The number of allowable depositions, interrogatories, and other uses of discovery devices will be determined as if the SS Japan Cases has not been consolidated.

2. CV-04-00124 ACK-BMK shall be designated the “lead case” in these actions. To ease the burden of duplicative filing, all further filings in the SS Japan Cases shall be filed and docketed in CV-04-00124 ACK/BMK. An entry shall be made in the docket of CV-04-00127 ACK-BMK indicating all further filings relevant to CV-04-00127 ACK-BMK shall be filed only in CV-04-00124 ACK/BMK.

The document title and docket entry of the item shall clearly indicate the case(s) to which it applies.

DATED: Honolulu, Hawai'i, June 1, 2007.

/s/ Jason H. Kim

PAUL ALSTON

BRUCE H. WAKUZAWA

GLENN T. MELCHINGER

JASON H. KIM

Attorneys for Plaintiffs

and Third Party Defendants

/s/ Robert A. Marks

WARREN PRICE, ESQ.

ROBERT A. MARKS, ESQ.

Attorneys for Defendants

QK HOTEL, LLC; PUKALANI GOLF CLUB, LLC; KG MAUI

DEVELOPMENT LLC; KIAHUNA

GOLF CLUB, LLC; KG KAUAI

DEVELOPMENT, LLC; MILILANI

GOLF CLUB, LLC; OR HOTEL, LLC;

and KG HOLDINGS, LLC

/s/ William A. Bordner

WILLIAM A. BORDNER, ESQ.

JOHN REYES-BURKE, ESQ.

Attorneys for Defendant

FRANKLIN K. MUKAI

APPROVED AND SO ORDERED:



/s/ Barry M. Kurren  
United States Magistrate Judge  
Dated: June 5, 2007

---

**AMENDED STIPULATION RE CONSOLIDATION FOR DISCOVERY AND TRIAL AND ORDER;** Case Nos. CV 04-00124 ACK/BMK, and CV 04-00127 ACK/BMK (D. Hawaii)